

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MAYNE PHARMA LLC,

Plaintiff,

v.

THERAPEUTICSMD, INC.,

Defendant.

C.A. No. 25-670-RGA

**[PROPOSED] ORDER**

At Wilmington, on this \_\_\_\_ day of \_\_\_\_\_, 202\_;

The Court having considered the briefing on Defendant's Motion to Dismiss;

IT IS HEREBY ORDERED THAT the Motion is GRANTED:

1. The Complaint (D.I. 1) is dismissed for failure to state a claim under the first-to file rule; and/or
2. Count IV of the Complaint (D.I. 1) is dismissed with prejudice

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The Honorable Richard G. Andrews  
Senior United States District Judge